

### REMARKS/ARGUMENTS

This Preliminary Amendment is in response to the Advisory Action mailed April 1, 2004 and filed concurrently with a Request for Continued Examination (RCE). Claims 2, 5, 7, 10, 15, 20, 26 and 28 have been amended. Claim 31 has been added. Reconsideration of pending claims 2-31 is respectfully requested.

As set forth in paragraph 3 of the Office Action, the specification was objected to as including the term "AP IP" in lieu of AP ID. Applicants have corrected the typographical error and respectfully requests withdrawal of the objection to the specification.

As set forth in paragraphs 4 & 5 of the Office Action, the Examiner has objected to Figures 5 and 10. Applicants have revised Figure 10 so that label 1010 identifies one or more of information elements 1020, 1030 and 1040. With respect to Figure 5, however, Applicants respectfully submit that Figure 5 does not constitute prior art because the traffic indicator bit (TIB), which is illustrated as a bit of Bitmap Control field 560. Hence, Figure 5 should not be labeled as "prior art". Withdrawal of the objections to the pending figures is respectfully solicited.

With respect to paragraph 6 of the Office Action, claim 28 has been revised for clarity. Applicants respectfully request that the objection of claim 28 be withdrawn.

As set forth in paragraphs 7-8 of the Office Action, claims 2-3, 5-8, 10, 12-16, 18-20, 22, and 24-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Beach (U.S. Patent No. 6,067,297) in view of the article entitled, "A New Efficient Access Protocol for Integrating Multimedia Services in the Home Environment" (IEEE, June 1999) by Koutroubinas, et al. (hereinafter referred to as "Koutroubinas"). Applicants respectfully traverse this rejection because a *prima facie* case of obviousness has not been established. Before discussing the reasons for traversing the rejection, a brief discussion of Beach may be appropriate.

In general, Beach teaches an embedded access point (EAP) that transmits a DTIM beacon featuring a TIM field. The TIM field is used to notify a mobile unit (MU), considered to be equivalent to the wireless unit of the claimed invention, that the EAP has data queued for that

MU. The data is queued, however, until the MU requests the data via a polling operation. Namely, the MU detects that the EAP has queued data from a DTIM beacon. The MU subsequently sends a Poll Frame to request the data. *See Col. 11, lines 19-22, 33-36 and 49-54 of Beach.*

As the Examiner is aware, when evaluating a claim for determining obviousness, all limitations of the claims must be evaluated. *See In re Fine, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).* Herein, neither Beach nor Koutroubinas, alone or in combination, describes or suggests a special DTIM (or modified) beacon that comprises a field having a traffic indicator bit as claimed. When set, the traffic indicator bit indicates that the special DTIM (or modified) beacon will be followed by a broadcast (or multicast) of a data frame prior to receipt of any signaling from a device receiving the DTIM (or modified) beacon.

Instead, Beach teaches away from a setting of DTIM fields within a beacon frame to inform a station that data is queued for them. More specifically, after receipt of the TIM when data is queued, Poll frames are sent to the EAP by the PSP stations in order to recover the queued data through Poll responses. *See column 11, lines 65 to column 12, lines 26 of Beach.* This polling process of Beach offers no teaching or suggestion of the special DTIM beacon and subsequent broadcasting (or multicasting considered to be a type of broadcast) of a data frame prior to receipt of any signaling from a device receiving the DTIM (or modified) beacon as now claimed. Moreover, Koutroubinas teaches the transmission of Beacon management packets for synchronizing the network nodes, which does not describe or suggest such transmission after a DTIM beacon including a traffic indicator bit as claimed.

In summary, the combination of Beach ~~nor~~ and Koutroubinas suggests a polling process where management packets are transmitted as beacons, which is contrary to the claimed invention that transmits the data frame without the need of any signaling from a targeted device (e.g., wireless unit). Applicants respectfully request the Examiner to reconsider the rejection of claims 2-3, 5-8, 10, 12-16, 18-20, 22, and 24-30.

As set forth in paragraph 9 of the Office Action, claims 4, 9, 11, 17, 21 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Beach in view of Koutroubinas and Coveley (U.S. Patent No. 5,548,821). Applicants incorporate by reference those arguments set forth above and reserve the right to assert additional arguments in a subsequent appeal if such appeal is warranted.

***Conclusion***

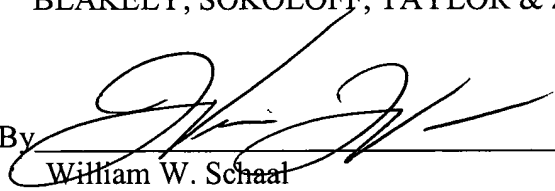
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 3, 2004

By

  
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Attachments

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